रजिस्ट्री सं० डी० एल०-33004/93 REGISTERED No. DL-33004/93

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 2
PART II—Section 2
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 39] नई दिल्ली, शुक्रवार, अगस्त 13, 1993/श्रावण 22, 1915
No. 39] NEW DELHI, FRIDAY, AUGUST 13, 1993/SRAVANA 22, 1915

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 13th August, 1993:—

I

BILL No. XXVI OF 1993

A Bill to amend the National Capital Territory of Delhi Act, 1991.

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Government of National Capital Territory of Delhi (Amendment) Act, 1993.

(*2*) It shall come into force on such as the Central Government may, by notification in the Official Gazette, appoint.

Insertion of new section 8A.

2. After section 8 of the Government of National Capital Territory of Delhi Act, 1991 the following section shall be inserted, namely:— 1 of 1992.

8A. (*1*) The Legislative Assembly shall have a separate Secretarial staff.

(*2*) The Legislative Assembly may by law regulate the recruitment and the conditions of service of persons appointed to the secretarial staff of the Legislative Assembly.

(*3*) Until provision is made by the Legislative Assembly under sub-section (2), the Lieutenant Governor may, after cosultation with the Speaker of the Legislative Assembly, make rules regulating with recuitment, and the conditions of service of persons appointed, to the secretarial staff of the Legislative Assembly and any rules so made shall have effect subject to the provisions of any law made under the said sub-section."

STATEMENT OF OBJECTS AND REASONS

Article 98 of the Costitution provides for setting up of independent secretariats for both the Houses of Parliament. Similar provisions in respect of Legislature are contained in article 187. However, no such provision has been made in regard to the Legislative Assembly of the National Capital Territory of Delhi.

For maintaining the independence of the Legislative Assembly and also to have a proper and effective control on the executive it is essential that the Legislative Assembly should have an independent secretariat. It is also necessary that with a view to developing the required skill and expertise needed to manage the affairs of the Legislative Assembly, there should be an independent secretariat for the Legislative Assembly.

Hence this Bill.

KRISHAN LAL SHARMA

FINANCIAL MEMORANDUM

The proposed provisions of clause 2 will involve some expenditure to be incurred on the salary and allowances of the secretarial staff of the Legislative Assembly. However, there will be no extra expenditure on setting up an independent secretariat for the Legislative Assembly as the present staff of the Metropolitan Council Deptt. will stand transferred to proposed secretariat.

2. Therefore, the Bill does not involve any expenditure whether of a recurring or non-recurring nature.

II

BILL No. LXVI OF 1993

A Bill further to amend the Seeds Act, 1966

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Seeds (Amendment) Act, 1993.

Insertion of new sections 3A, 3B, 3C, 3D and 3E.

2. In the Seeds Act, 1966, after section 3 the following sections shall be inserted, namely:— 54 of 1966.

Establishment of National Seeds Bank.

3A. (1) The Central Government shall, within a period of six months after the commencement of the Seeds (Amendment) Act, 1993, establish a National Seeds Bank (hereinafter referred to as the Bank) to make available certified seeds to farmers throughout the country in such manner as may be prescribed.

(2) The Central Government may also establish as many branches and retail outlets of the Bank as it deems necessary at such places and to perform such duties as may be prescribed or delegated to them by the Bank.

(3) The Central Government may appoint such number of officers and employees as it may consider necessary for the implementation of this Act and the terms and conditions of service of the officers and employees shall be such as may be prescribed.

Functions of the Bank.

3B. The bank shall,—

(a) make available certified seeds reasonable rates to farmers well in advance of every sowing season through its retail outlets in the country;

(b) fix and declare the rates of every kind of seed provided that the farmers of the areas affected by any natural calamity particularly by floods, drought hailstorms, cyclones etc. shall be given seeds at half of the market rates for carrying out the agricultural operations.

Bank to pay compensation for sub-standard seeds.

3C. If any seed provided by the Bank to any farmer is found to be of sub-standard in quality or does not germinate or otherwise cause insufficient production the Bank shall pay compensation to the affected farmer at such rates as may be prescribed through the nearest branch of the Bank.

Central Government to give subsidy to the farmers affected by natural calamities.

3D. The Central Government shall give subsidy for purchasing seeds to those farmers who have been affected by natural calamities like floods, drought, cyclones, hailstorms, etc, in such manner as may be prescribed.

Central Government to formulate seed insurance scheme.

3E. The Central Government shall, in consultation with the Bank, formulate a seed insurance scheme, to compensate farmers who suffer on account of damage of crops by natural calamities like floods, drought, cyclones or use of sub-standard seeds.

STATEMENT OF OBJECTS AND REASONS

India is an agricultural country. Agriculture provides raw materials for most of our industries. But it is seen that farmers are unable to produce more due to lack of good quality seeds. Being poor, the farmer community is unable to purcharse quality seeds from market.

In order to make the Green Revolution a success in the entire country, Government should set-up a National Seeds Bank to provide quality seeds. This bank should have branches and retail outlets all over the country to facilitate the farmers in getting hybrid seeds of all fruits, vegetables, and food grains at reasonable prices. The Government should ensure uniformity in the prices of the seeds throughout the country.

n cose of damage to crop due to natural calamities like flood, cyclone, drought and the use of sub-standard seeds, the farmers should be covered under compensatory mechanism like seed insurance scheme to be formulated by the Government in consultation with the Bank.

It is hoped that this Bill will go a song way in mitigating the hardships of the farmers and ensure enhanced agricultural production in the country.

Hence this Bill.

SUSHILKUMAR SAMBHAJIRAO SHINDE.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall set up the National Seed Bank to provide seed facility to the farmers. It further provides that the Bank shall provide seeds to the farmers on reasonable rates and the compensation. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of about rupees two hundred crores from the Consolidated Fund of India.

It is also likely to involve non-recurring expenditure of about rupees fifty lakhs.

III

BILL No. LXI OF 1993

A Bill to provide for the prohibition of solemnisation of child marriages in the country and for matters connected therewith.

WHEREAS the practice of child marriage continues unabated in different parts of the country in flagrant violation of the provisions restraining such marriages contained in the Child Marriage Restraint Act, 1929; 19 of 1929.

WHEREAS it has become necessary to prohibit such marriages with utmost vigour and provide deterrent punishment for solemnising such marriages; and

WHEREAS in view of the unabated growth of population despite the implementation of the National Policy on curbing population growth for more than four decades, it is considered necessary and expedient to raise the statutory marriageable age of both, males and females, in consonance with medical advice:

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Child Marriage (Prohibition) Act, 1993.

(*2*) It extends to the whole of India and it applies also to—

(*a*) citizens of India outside India; and

(*b*) to persons in the service of Government wherever they may be.

(3) It shall come into force at once.

Defini-tions.

2. In this Act, unless the context otherwise requires,—

(a) "child" means a person, who if a make, has not completed the age of twenty-four years and if a female, has not completed the age of twenty years;

(b) "child marriage" means a marriage to which either of the contracting parties is a child;

(c) "contracting party" to a marriage means either of the parties whose marriage is, has been or is about to be solemnised thereby;

8 of 1890.

(d) "guardian" means a person, who under the Guardians and wards Act 1890, is entitled to act as a legal guardian in respect of a minor;

(e) "minor" means any person who is below the age of eighteen years.

Prohibi-tion of child marria-ges.

3. The poractice of child marriage is hereby prohibited and every such marriage if performed shall be void and parties to such marriage, their guardians in case the contracting parties are minors, and those solemnising, or actively aiding and abetting such marriage shall be guilty of an offence under this Act:

Provided that if a question as to the determination of age of a contracting party to a marriage arises, the decision of a medical expert or medical board duly authorised in this behalf shall be final.

Punish-ments for child marriages.

4. (1) Whoever, being a male above eighteen years and below twenty-four years of age, contracts a child marriage shall be punishable with imprisonment which may extend to one year or with fine which may extend to twenty-thousand rupees or with both.

(2) Whoever, being a female above eighteen years and below twenty years of age, contracts a child marriage, shall be punishable with imprisonment which may extend to one year or with fine which may extend to thirty thousand rupees or with both.

(3) Whoever, being a male above twenty years of age, contracts a child marriage shall be punishable with imprisonment which may extend two years and shall also be liable to fine.

(4) Whoever, being a female above twenty years of age, contracts a child marriage shall be punishable with imprisonment which may extend to two years and shall also be liable to fine.

Punish-ment for solem-nising a child marriage.

5. Whoever performs, conducts or directly or indirectly aids of abets a child marriage, shall be punishable ,with imprisonment which may extend to one year and shall also be liable to fine, unless he proves that he had reasons to believe that the marriage was not a child marriage.

Punish-ment for parent or guardian concerned in a child marriage.

6. Where a minor contracts a child marriage, any person having charge of the minor, whether as parent or guardian or in any other capacity, lawful or not, who does any act to promote the child marriage or permits it to be soleminised, or negligently fails to prevent if from being solemnised shall be punishable with imprisonment which may extend to two years and shall also be liable to fine.

Explanation:

For the purpose of this section it shall be presumed, unless and until the contrary is proved, that where a minor has contracted a child marriage, the person having charge of such a minor as parent guardian or otherwise, has negligently failed to prevent the marriage from being solemnised.

Offences to be cognizable for certain purposes.

7. The Code of Criminal Procedure, 1973, shall apply to offences under this Act as if they were cognisable offences— 2 of 1974.

(*a*) for the purpose of investigation of such offences; and

(*b*) for the purposes of matters other than (*i*) matters referred to in section 42 of that Code; and (*ii*) the arrest of a person without a warrant or without an order of a Magistrate.

Jurisdiction under this Act.

8. Notwithstanding anything contained in section 190 of the Code of Criminal Procedure, 1973 no Court other than that of a Metropolitan Magistrate of the first class shall take cognizance of, or try, any offence under this Act. 2 of 1974.

Mode of taking cognizance of offence.

9. No Court shall take cognizance of any offence under this Act after the expiry of three years from the date on which the offence is alleged to have been committed.

Preliminary inquiries into offences.

10. Any Court, on receipt of a complaint of an offence of which it is authorised to take cognizance, shall, unless it dismisses the complaint under section 203 of the Code of Criminal Procedure, 1973 or itself makes an inquiry under section 202 of that Code direct a Magistrate subordinate to it to make inquiry into such a complaint. 2 of 1974.

Power to issue injunction prohibiting marriage in contravention of this Act.

11. (*1*) Notwithstanding anything to the contrary contained in this Act, the Court may if satisfied from information laid before it through a complaint or otherwise that a child marriage has been arranged or is about to be solemnised in contravention of this Act issue an injunction against any of the persons mentioned in section 4 prohibiting such marriage.

(*2*) No injunction under sub-section (*1*) shall be issued against any person unless the court has previously given notice to such person, and has afforded him an opportunity to show cause against the issue of the injunction.

(*3*) The Court may either on its own motion or on the application of any person aggrieved rescind or alter any order made under sub-section (*1*).

(*4*) Where an application is received under sub-section (*3*) the Court shall afford the applicant an early opportunity of appearing before it either in person or by a legal practioner of his choice and if the Cour rejects the application wholly or in part, it shall record in writing its reasons for so doing.

(*5*) Whoever knowing that an injunction has been issued against him under sub-section (*1*) disobeys such injunction shall be punished with imprisonment of either description for a term which may extend to one

year , or with fine which may extend to ten thousand rupees, or with both.

Over-riding effect of the Act.

12. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, but save as aforesaid, the provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to marriages.

Power to make rules.

13. (*1*) The Central Goverment may, by notification in the Official Gazette make rules, to carry out the pnurposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following, namely:—

(*a*) appointment and authorisation of a competent medical board or medical expert to determthe age of a person under section 2 or section 3 or section 4;

(*b*) special arrangements for arrest or imprisonment of females under section 4;

(*c*) the procedure to be followed for making inquires under section 7 or the arrest or detention of a person thereunder.

Repeal of Act 19 of 1929.

14. The Child Marriage Restraint Act, 1929 is hereby repealed.

STATEMENT OF OBJECTS AND REASONS

Dispute a law forbidding child marriage having been in force in the country, ever since the historic SARDA ACT, child marriages continue to be solemnised unabated and with impunity, in flagrant disregard of the law.

The Act presently in force, namely 'The Child Marriage Restraint Act, 1929', only seeks to 'restrain' child marriages, rather 'prohibit and invalidate' them. It has, therefore, become necessary to prohibit such marriages by law and provide deterrent punishment for violation of the law.

Moreover, population which is growing menacingly, has hardly shown any sign of abatement, dispite a comprehensive National Population Planning Policy in force for around four decades now. We are adding well over 50,000 mouths every 24 hours and one Australia in terms of population is aded every year. The situation has become rather alarming and the population explosion threatens not only to neutralise and even negate economic growth, but also our ecology and environment.

It has, therefore, become necessary to contain and curb population growth not only vigorously but also rigorously.

Moreover, population which is growing menacingly, has hardly shown tion growth is to raise the marriageable age and curtail the reproductive period in respect of the married couples. Medicos and biologists also hold that it is not advisable for a woman, in the interest of the health of the mother and the child to bear a child before the age of 20 years. It is accordingly proposed to raise the marriageable age for women from 18 to 20 years and that for males from 21 to 24 years.

Hence this Bill.

SUSHIL KUMAR SAMBHAJIRAO SHINDE.

MEMORANDUM REGARDING DELEGATED LEGISLATION

For carrying out the purposes of this Act, powers to frame Rules are being delegated to the Central Government under Section 13 of this Act, indicating some of the specific purposes referred to in sub-section 2 of Section 13. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

IV

BILL No. L OF 1993

A Bill to provide for credit and facilities to farmers in order to provide loans to them through banks and for matters connected therewith.

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

Short title,

1. This Act may be called the Farmers' Credit Card Scheme Act, 1993.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "farmer" includes all farmers, small, marginal and big and also includes agricultural workers engaged in agricultural activities;

(*b*) "prescribed" means prescribed by rules made under this Act;

(*c*) "Scheme" means the Farmers' Credit Card Scheme framed under section 3.

Farmers' Credit Card Scheme.

3. (*1*) **The Central Government shall frame a Scheme to be known as "Farmers Credit Card Scheme" for the benefit of farmers.**

(2) The Scheme shall in particular provide for the following, namely:—

(a) the terms and conditions of grant of credit to a farmer holding Credit Card; and

(b) the extent to which the credit may be given to such a card holder.

4. The Scheme shall be administered by the Central Government.

Central Government to administer Scheme.

5. The Central Government shall, with effect from such date as may be appointed in this behalf, direct all nationalised and cooperative banks in a particular area or village to give credit to farmers residing therein accordance with the Scheme.

Banks to give credit to farmers.

6. The Credit given to a farmer shall be repayable by him with simple interest at such rate and in such equal monthly instalments as may be fixed by the Central Government:

Repayment of loan by farmers.

Provided that the farmers of the areas affected by the natural calamities shall be exempted from the payment of loan for such period as may be prescribed.

7. (1) Every Credit Card holder farmer belonging to an area which is affected by any natural calamity shall be given long term credit for carrying out the agricultural operations.

Special Credit facilities to farmers belonging to areas affected by natural calamities.

(2) The amount advanced to a farmer under sub-section (1) shall be repayable by him over such period as may be prescribed by the Central Government.

8. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

It is a matter of satisfaction that Union Budget of 1993-94 has allocated a large amount of funds for the rural credit. However, the most point remains whether the farmers, the majority of whom are illiterate would be able to avail of the enhanced credit facilities. Because of the complicated procedures for advancing bank loans and because of the lack of awareness among the farmers about the Government Credit Schems, the percentage of farmers who actually avail of such schemes is not very high leaving behind a sezeable junk of really needy farmers unable to benefit from such Government Schemes. Even though the network of banks in rural areas has increased over the years, very few will deny the fact that nothing significant and laudable has yet been achieved in the rural banking in the country so far.

On the other hand the Government has been carrying forward the liberalisation of economy with a missionary zeal with stress on simplification of procedures in the realm of industrial sector, the area of rural banking has not yet been fully brought within the purview of such simplification drive.

For the urban population, the banks have floated credit cards schemes with the objective of simplifying procedures for availing credit recurringly from the banks. Not only this, banks have created full-fledged and exclusive credit card divisions for this purpose with a network of field personnel in different areas for wooing the potential customers for the credit cards.

Such innovative scheme is most needed in the rural areas for mitigating the suffering of poor and illiterate farmers. The working in the rural banking revolves amount complicated procedures and an attitude of non-cooperation on the part of bank employees.

A farmer's main requirement of credit is governed by recurring cycle of harvesting seasons. He needs funds to buy fertilizers, standard seeds, agricultural equipments not just once in life time but twice every year for the Rabi and Kharif crops. Faced with a non-cooperative bank staff and lack of awareness about Government Credit Schemes compounded by complicated procedures for availing loans, there is an immediate need for simplification of rural banking procedures. The credit card scheme for the farmers could be the first step in this direction. The singular advantage of this scheme is in avoiding procedural delays in release of loans to the farmers. As per a newspaper report, the Kerala State Cooperative Bank has already proposed a credit card scheme for the farmers with credit facility upto Rs. 1 lakh against collateral and other types of securities for all agricultural related activities.

The Government should earnestly consider launching a credit card scheme through nationalised banks, co-operative banks and the banks in the private sector. The Government should evolve a special scheme for

the backward rural areas as well as in natural calamity prone areas with provision of agricultural loans through privileged credit cards for the farmers. It would be, therefore, in tune with Government policy for giving priority attention to farmers' plight. A separate provisions of funds should be made for the credit card schemes for the farmers.

Hence this Bill.

SUSHILKUMAR SAMBHAJIRAO SHINDE.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall frame the Farmers Credit Card Scheme to provide credit facility to the farmers. Clause 4 provides that the Central Government shall administer the scheme. The Bill, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of about rupees five hundred crores from the Consolidated Fund of India.

It is also likely to involve a non-recurring expenditure of about rupees fifty lakhs.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only and as such the delegation of legislative power is of a normal character.

V

BILL NO. XXXV OF 1993

A Bill to provide for the promotion of the production of oilseeds at the national level and to facilitate more effective extraction of edible oils and other oils from oilseeds for human consumption and also for manufacturing vanaspati, soaps and other products and for matters connected therewith.

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Oilseeds and Edible Oils (Promotion of Production) Act, 1993.

(*2*) It extends to the whole of India.

(*3*) It shall come into force with immediate effect.

Definition.

2. For the purposes of this Act "Oilseeds" include coconut or copra.

Palm cultivation by Government.

3. (*1*) **The Central Government shall with the co-operation of the concerned State Government or Union Territory Administration, as the case may be, undertake cultivation of Palm trees in the coastal areas of the country particularly in the Union Territory of Andaman and Nicobar Islands and in the States of Andhra Pradesh, Kerala and Tamil Nadu.**

(*2*) A special cell shall be set up in the Union Ministry of Agriculture for helping the State Governments and Union Territory Administration referred to in clause (*1*) for expanding palm cultivation.

Promotion of sunflower.

4. The Central Government shall promote the cultivation of sunflower especially in tracts consisting sandy loams or black loams and which are unsuitable for groundnut cultivation and other crops and shall establish a special cell in the Union Ministry of Agriculture for the purpose of rapidly expanding cultivation of sunflower.

Research on palm and Sunflower cultivation.

5. The Agricultural Universities in the country shall undertake special research in the case of palm and sunflower cultivation and for the purpose the Central Government shall provide special financial assistance to them.

Promotion of mustard and groundnut cultivation.

6. (1) The Central Government shall formulate a national plan to promote the cultivation of mustard and groundnut in the country and shall give to the cultivators special incentives for rapidly expanding cultivation of mustard and groundnut in the country.

(2) The Central Government shall give special developmental financial assistance to the State which exceeds the targets of mustard and groundnut cultivation and production as may be fixed by the Central Government.

Restriction on direct use of cotton-seeds and penalty for violation

7. (1) After the commencement of this Act, the use of cotton-seeds for directly feeding the cattle or for putting it to use before oil extraction therefrom shall be unlawful.

(2) Any violation of the provisions of sub-section (1) shall be punishable with simple imprisonment for one month or with fine which may extend to rupees five hundred or with both.

Cotton ginning factories to keep records.

8. (1) Every cotton ginning factory shall keep a record of cotton ginned by it and shall make all the cotton seed available for solvent extraction.

(2) The Central Government shall give financial incentives to every cotton ginning factory which delivers to the extraction plants cent percent of the cotton seed collected by it after completing the ginning process.

Ban on export of edible oil seeds.

9. With effect from the date of commencement of this Act export of all kinds of edible oilseeds shall be totally banned.

Scheme for collection of minor oilseeds and payment of development grants.

10. (1) The Union Ministry of Agriculture in co-operation with the Agriculture Ministries in the States and Agricultural Departments of the Union Territories shall formulate and implement a scheme for the collection of minor oilseeds like Neem Seeds Sal Seeds, Kusumba Seeds, Taramira Seeds, Arandi Seeds and Karanja Seeds presently going waste and the scheme so formulated shall also provide for engaging beggars and unemployed persons for this purpose.

(2) The Union Ministry of Agriculture shall fix targets for collection of seeds referred to in sub-section (1) and States or Union Territories which exceed targets shall be given special development grants.

11. It shall be the duty of the Central Government to help the soap manufacturers increasingly to shift from the use of oils to the use of chemical datergents in the manufacture of soaps within a time frame. Shift from use of oil to detergents in soap manufacture.

12. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Edible oil is one of the essential commodities used by every household whether rich or poor in our country. This commodity is also used by big hotels, restaurants, small *dhabas*, *vanaspati* manufacturers, soap manufacturers, etc. Parties big or small, public or private, marriage ceremonies or even religious ceremonies cannot be celebrated without this commodity. But there is acute shortage of edible oils in our country and this commodity is becoming scarce day by day particularly for the commonman. Apart from being essential the importance of oil and oilseeds in our economy cannot be exaggerated. Oilseeds constitute 13 percent of the index of wholesale prices next only to foodgrains. Now we are being compelled to import edible oils from abroad which will further worsen our balance of payment crisis. But despite the acute shortage of oilseeds in the country, some oilseeds particularly the cotton seeds are directly fed to the milching animals in the countryside to fetch more milk from them. Whether the direct feeding of oilseeds to cattle increases the milk in the milching animals or not is a subject of research but it certainly reduces the availability of edible oils in the country.

The planners of our Five Year Plans have also not accorded the required attention to oilseeds problem and therefore the oilseeds production record is very dismal. Unless drastic legal, administrative, research and investment efforts are undertaken along with a well balanced system of compulsion and inducement, the shortages are likely to get further aggravated. Since the prices are increasing day by day they will soon be beyond the reach of all except the few rich in the country. Therefore, the need of the hour is to encourage economical use of oilseeds and edible oil and to assist in the rapid expansion of oilseeds cultivation as well as extraction industry. We have to stop legally the direct feeding of oilseeds to the cattle. The vanaspati industry has to change from use of edible oils to non-edible oils and soap industry from oils to chemical detergents, within a time frame. The Government shall have to give incentives to the cultivators so that they should grow more and more oilseeds to help the country in achieving self sufficiency in edible oils. Such a step will not only check the rising prices but also save the much needed foreign exchange.

This Bill seeks to achieve the above objectives.

S. S. AHLUWALIA

FINANCIAL MEMORANDUM

Clause 3 provides for Palm cultivation by Government and to set up a special cell for the purpose in the Union Ministry of Agriculture. Clause 5 provides for financial assistance to Agricultural Universities for conducting research on Palm and Sunflower. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that it will involve recurring expenditure of about Rupees Fifty crores per annum which will progressively fall after the transitional period. The Bill is not likely to involve any non-recurring expenditure from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill gives the Central Government power to make rules for carrying out the purposes of the Bill which will relate to matters of details only.

The delegation of legislative power is of a normal character.

VI

BILL No. XXXVI OF 1993

A Bill to provide for the establishment of Welfare Fund for the benefit of marginal farmers and agricultural workers in the country and for matters connected therewith.

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Marginal Farmers and Agricultural Workers Welfare Fund Act, 1993. Short title, extent and commencement.

(*2*) It extends to the whole of India.

(*3*) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires,— Definitions.

(*a*) "accident" means an accident caused during the course of an agricultural operation by a tractor, power crusher or any agricultural machinery and includes an injury due to a fall from any

agricultural machinery, tree or falling into a well or receiving electric shock, snake bite or attack by any wild or domesticated animal;

(*b*) "agricultural operation" means any work relating to agriculture, horticulture, sericulture, rearing of sheep, cattle, milch cattle, poultry or any other work connected with or ancillary to agriculture;

(c) "agricultural worker" means an agricultural worker who is landless and earns his livelihood by working either on other's land or agricultural operation on daily, monthly or annual wages or on any other basis and whose only source of income is the wages he earns from such work;

(*d*) "commissioner" means a Commissioner appointed under section 7 of this Act;

(*e*) "marginal farmer" means a farmer who owns not more than five acres of wet land or seven acres of partially wet and dry land or ten acres of dry land;

(*f*) "partial disablement" means such disablement which reduces the working capacity of a farmer or agricultural worker temporarily which he was capable of having before the accident;

(*g*) "prescribed" means prescribed by the rules made under this Act;

(*h*) "total disablement" means any disablement which incapacitates a marginal farmer or agricultural worker for all work which he was capable of performing prior to the accident;

(*i*) "welfare fund" means the Marginal Farmers and Agricultural Workers Welfare Fund constituted under section 6 of this Act.

Compensation to marginal farmer and agricultural worker in case of accident during operation.

3. If a personal injury is caused to a marginal farmer or agricultural worker by accident arising out of and in the course of agricultural operations, the injured farmer or worker shall be entitled to and receive compensation out of the Welfare Fund in accordance with the provisions of this Act.

Fination of compensation.

4. Subject to the provisions of this Act, the amount of compensation payable to a marginal farmer or agricultural worker sustaining injury resulting in his death or total or partial disablement shall be such as may be specified by the Central Government from time to time by notification in the Official Gazette.

Payment of compensation in case of death.

5. In case of death of a marginal farmer or agricultural worker the compensation shall be paid to the spouse of the deceased or to his legal heir or to the children and in case the victim is unmarried the compensation shall be paid to his parent or parents.

Establishment of Welfare Fund to pay compensation.

6. (1) The Central Government shall constitute a Welfare Fund for the purposes of this Act.

(2) The initial amount of the Welfare Fund constituted under sub-section (1) shall be three hundred crore rupees of which two hundred crore rupees shall be provided by the Central Government after due appropriation made by Parliament in this behalf and one hundred crore rupees shall be provided by the State Governments in proportion to their agricultural population relevant for the purposes of this Act.

(3) After the intial constitution of the Welfare Fund moneys shall be provided by the Central and State Governments in such proportion as may be agreed to from year to year and also by the employers of agricultural workers from time to time as may be prescribed.

Appointment of Commissioner.

7. The Central Government shall by notification in the Official Gazette appoint a Commissioner, for every district of the country, who shall entertain the claims for payment of compensation under this Act.

Form of Claim.

8. Every claimant for payment of compensation under this Act shall give the name and address of the marginal farmer or agricultural worker who died or was injured in an accident and shall state the cause of death or injury, name of the employer in case of agricultural worker, date and place of injury and other relevant matters relating to the claim.

Inquiry by Commissioner.

9. On receipt of the claim the Commissioner shall enquire into the matter and decide the amount of compensation payable under the Act and shall record the reasons for coming to such decision.

Proof of death or injury.

10. The proof of death or injury to a marginal farmer or an agricultural worker as a result of an accident in an agricultural operation shall be provided in such manner as may be prescribed.

Payment of compensation.

11. Every claim for compensation under this Act shall be finalised and the payment made within thirty days a filing of the claim

Bar to Jurisdiction of Civil Courts.

12. Notwithstanding anything contained in any law for the time being in force, no civil court shall have jurisdiction to stay the operation of the award of compensation made by the Commissioner but the injured marginal farmer or agricultural worker shall have the right to appeal to the District Court against the decision of the Commissioner.

Cooperation of State Governments for carrying out the purposes of the Act.

13. The Central Government shall place necessary funds at the disposal of the State Governments for the implementation of the provisions of this Act.

Power to make rules.

14. The Central Government may make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

The marginal farmers and agricultural workers while pursuing agricultural operations very often receive injuries leading to partial or total disablement and in some cases they also die in such operations. While social security schemes have been extended to organised working classes, the marginal farmers and agricultural workers who constitute more than two third of the working force in the country remain uncovered by such schemes. There is no organisation to protect their interests. This class of our country's population is also the poorest. They are paid meagre wages and when they receive injuries due to accidents and become partially or totally disabled or succumb to such injuries, they and in their absence, their family members suffer tremendous hardships. In fact their families are ruined. There is neither any security nor any legal protection for them under such circumstances. Therefore, it is necessary in the national interest that marginal farmers and agricultural workers are provided with some insurance against accidents met during the course of agricultural operations so that minimum security be given to them.

Hence this Bill.

S. S. AHLUWALIA.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for compensation to marginal farmers and agricultural worker in case of accident. Clause 6 provides for the establishment of a Welfare Fund to pay compensation. Clause 7 provides for appointment of Commissioners. The Bill, therefore, if enacted, is likely to involve recurring expenditure from the Consolidated Fund of India to the extent of about rupees eight hundred crores per annum. A non-recurring expenditure of about rupees one crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Act. Since the rules will relate to matters of details only the delegation of legislative power is of normal character..

VII

BILL NO. XXXVII OF 1993

A Bill to provide for the establishment of an autonomous Board for fixation of yearly minimum support prices of all the agricultural produce in the country for the benefit of farmers and for matters connected therewith.

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Agricultural Procedure Price Fixation Board Act, 1993.

(*2*) It extends to the whole of India.

(*3*) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "agricultural produce" includes paddy, wheat, pulses, sugarcane, cotton, oil-seeds, fruits, jute and such other agricultural or horticultural produce which is used for human consumption or for any medicinal purposes;

(*b*) "Board" means the agricultural produce price fixation Board established under Section 3.

Establishment of agricultural produce price fixation Board.

3. (1) The Central Government shall, by notification in the Official Gazette, establish a Board to be known as Agricultural Produce Price Fixation Board, with its headquarters at New Delhi.

(2) The Board shall consist of,—

(a) a Chairman, with agricultural qualifications or background, to be appointed by the Central Government;

(b) one member from each zonal office of the Board;

(c) one member from each State Government and Union Territory Administration;

(d) one member each to represent the Ministry of the Central Government dealing with Agriculture and with Fertilizers;

(e) one member to represent the Indian Council of Agricultural Research;

(f) one representative of agricultural labour to be appointed by the Central Government;

(g) four members to be appointed by the Central Government from amongst farmers;

(h) four members of Parliament of whom two each shall be elected by the House of the people and Council of States respectively.

(3) The Board shall be a body corporate by the name aforesaid having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract and shall by the said name sue and be sued.

Term of Office etc.

4. The term of office of members and the manner of filling vacancies and the procedure to be followed in the discharge of their functions by the members shall be such, as may be prescribed.

Zonal Offices.

5. (1) The Board shall set up one zonal office each in the eastern, western, northern and southern parts of the country comprising of such States and Union Territories as may be determined by the Board.

(2) The Zonal Office shall consist of,—

(i) a Chairman to be appointed by the Central Government;

(ii) one member from each State or Union Territory within its jurisdiction to be nominated by the concerned State Government or Union Territory Administration as the case may be.

(iii) three representatives of farmers;

(iv) one member each representing agricultural labourer and traders of agricultural produce.

Functions of the Board.

6. (1) It shall be the duty of the Board,—

(i) to fix and declare remunerative prices of agricultural produce before every sowing season after examining the recommendations of all the Zonal Offices:

Provided that different prices may be fixed for different Zones.

(*ii*) to ensure that the growers of foodgrains get a reasonable and remunerative minimum price for their produce;

(*iii*) to fix the issue prices of foodgrains for retail sale to consumers every year.

(*2*) The Board shall perform its function in close liaison with Union agencies, institutions and authorities concerned with the procurement, supply, distribution, trade etc. of agricultural produce and avoid duplication of effort.

Publicity to prices of agricultural produce.

7. The Board shall give wide publicity to the remunerative prices fixed for agricultural produce through electronic media and newspapers throughout the country.

Salary and conditions of service of Chairman, members and officers of the Board.

8. The Chairman, members and officers of the Board and Zonal Officers of the Board shall be entitled to such salary, allowances and other privileges in respect of leave, pension and other matters, as may, from time to time, be fixed by the Central Government.

Duties of the Zonal Offices.

9. (*1*) It shall be the duty of each Zonal Office to recommend to the Board the remunerative prices of agricultural produce in respect of its jurisdiction.

(*2*) Each Zonal Office, before recommending the remunerative prices, shall take into account all relevant factors, but in particular, the following namely:—

(*a*) average capital investment made by agriculturists or farmers;

(*b*) average labour charges;

(*c*) expenditure on crop insurance, if any;

(*d*) interest on loans borrowed for the purpose of agriculture;

(*e*) maintenance cost of the farm;

(*f*) any concession, rebate or subsidy provided by Government in relation to agricultural produce;

(*g*) prevailing price of each agricultural product in the open market;

(*h*) climatic conditions and incidence of natural calamities such as floods, droughts, hailstorms, untimely rains and the like;

(*i*) average monthly household expenditure incurred by an agriculturist including expenditure on education, health and accommodation etc; and

(*j*) any other incidental expenditure.

Central Government to purchase agricultural produce.

10. The Central Government shall purchase the agricultural produce from agriculturists at that price fixed by the Board through its agencies like the Food Corporation of India if the agriculturists fail to sell their produce in the open market.

Review of remunerative price fixed by the Board.

11. (1) Any agriculturist may file an appeal with the Central Government for reviewing the remunerative price fixed by the Board for any agricultural produce within thirty days of the declaration of the price, if the agriculturist is not satisfied with the price fixation.

(2) The Central Government shall give the decision on the application within fifteen days of the filing of the application.

Power to make rules.

12. The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Agriculture is the backbone of our economy and agricultural produce, and its remunerative price is the backbone of the household of a farmer. The very existing of a farmer depends on the crop he grows and reaps. But unfortunately it is a usual phenomenon that in the immediate post harvest period prices of agricultural produce decline and farmers are left at the mercy of unscruplous traders who exploit them to the extent possible. The vicious circle of traders and middlemen forces a farmer to sell his produce at throwaway prices but as soon as the lean period sets in, the same foodgrains are sold to consumers at a very high price. This phenomenon is repeated every crop season. There is a committee of the Central Government which fixes the prices of agricultural produce but there has been a great discontentment amongst the farmers regarding the remunerative prices fixed by this agency because generally the prices fixed by it are far below the expectations of farmers. Moreover the Central Government is not bound by the prices so recommended as the agency does not have any legal backing.

It is, therefore, necessary to set up a statutory autonomous agricultural produce price fixation Board to fix the remunerative prices for agricultural produce. It will be mandatory for the Board to consider factors like increase in prices of inputs, wages of labour, rates of good quality seeds, fertilizers, insecticides, farming tools, electricity, pump sets, tractors and other incidental expenditure incurred by a farmers while fixing remunerative prices for agricultural produce which will be placed before the Board by its Zonal Offices. It is proposed to make it mandatory for the Government to purchase agricultural produce from the farmers through its agencies.

The guarantee of a minimum assured price will remove the uncertainty emanating from the not infrequent phenomenon of a steep decline in prices caused by temporary glut in the market. It will also assure the progressive farmer that his efforts to augment production through the adoption of improved technology will not become unremunerative. This can be achieved by establishing an autonomous Board for the purpose.

Hence this Bill.

S. S. AHLUWALIA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of an agricultural produce price fixation Board. Clause 5 provides for setting up of Zonal Offices. Clause 8 provides for salary of members etc. The Bill, therefore, if enacted is likely to involve a recurring expenditure of about rupees thirty lakhs from the consolidated fund of India.

A non-recurring expenditure of about rupees Ten Lakhs is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to frame rules for carrying out the purposes of this Bill. Since the rules will relate to the matters of details, the delegation of legislative power is of a normal character.

VIII

BILL No. XLVI OF 1993

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1993. Short title.

2. In article 156 of the Constitution, in clause (*1*) after the words, "the President", the words, figure and letter "unless he is removed from office by impeachment in the manner provided in article 159A" shall be inserted. Amendment of article 156.

3. After article 159 of the Constitution, the following article shall be inserted, namely:—

"159A. (*1*) A Governor shall be impeached for the violation of the Constitution or on the ground of proved misbehaviour or incapacity. Procedure for impeachment of Governor.

(2) No charge for the impeachment of a Governor shall be preferred by the House or by either House of a Legislature of a State, as the case may be, unless—

(a) the proposal to prefer such charge is contained in a resolution which has been moved after at least fourteen days notice in writing signed by not less than one-tenth of the total number of members of the House or either House of the State Legislature has been given of their intention to move the resolution; and

(b) such resolution has been passed by a majority of the total membership of the concerned House.

(3) When a charge has been so preferred by the House or either House of the State Legislature, the House itself or the other House, as the case may be, shall investigate the charge or cause the charge to be investigated and the Governor shall have the right to appear and to be represented at such investigation.

(4) If as a result of the investigation a resolution is passed by a majority of the total membership of the House by which the charge was investigated or caused to be investigated declaring that the charge preferred against the Governor has been sustained, such resolution shall have the effect of removing the Governor from his office as from the date on which the resolution is so passed."

STATEMENT OF OBJECTS AND REASONS

The Union and the States must function on mutually complementary and co-operative basis. Office of the Governor of a State is a very important office for the success of democratic Governments in the States. On his impartiality and integrity depend the autonomy of the State and the operation and maintenance of Centre-State relations. There have been instances of unfortunate criticism in the past that the Governors are forced to function as agents of the Union Government. In a case, the Supreme Court has held that the Governor is "not amendable to the directions of the Government of India, nor is he accoountable to them for the manner in which, he carries out his functions and duties. His is an independent constitutional office which is not subject to the control of the Government of India."

The Governor's power to appoint or dismiss a Chief Minister and dissolve the State Assembly has on several occasions been used to flout the democratically expressed will of the people.

Dr. B. R. Ambedkar had remarked in the Constituent Assembly that "the position of the Governor is exactly the same as the position of the President." It is, however, noteworthy that in our Constitution there is a provision for removing the President by a process of impeachment but there is no such provision for impeachment and removal of Governors. It is felt that the Constitution should be amended so as to incorporate therein provisions for impeachment and removal of the Governors also.

Hence, this Bill.

SATYA PRAKASH MALAVIYA.

IX

BILL No. XLV OF 1993

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Constitution (Amendment) Act, 1993. Short title and commencement.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. After article 30 of the Constitution, the following article shall be inserted namely:— Insertion of new article 30A.

"30A. The State shall provide free and compulsory education for all children upto senior secondary stage."

3. Article 45 of the Constitution shall be omitted. Omission of article 45.

STATEMENT OF OBJECTS AND REASONS

Article 45 of the Constitution enjoins on the State to provide for free and compulsory education for all chidren until they complete the age of fourteen. As however, this is only a Directive Principle of State Policy, it is not enforceable by law. Also not much has been done in this regard and as a matter of fact illiteracy in the country has increased since independence. It is high time that the provision to provide for free and compulsory education is included in the Fundamental Rights so that it can be enforced by law. It is also desirable at this stage that the State is called upon to provide for free and compulsory education upto the senior secondary level so that the children belonging to the economically weaker sections of the society are benefited thereby.

Hence this Bill.

SATYA PRAKASH MALAVIYA.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that the Central Government shall provide for free and compulsory education to all children upto senior secondary stage. The Central Government shall have to assist financially the State Governments to achieve the said objective.

It is estimated that in this connection the recurring annual expenditure will be about rupees two hundred crores and non-recurring expenditure will be about rupees twenty crores.

X

BILL NO. XLVII OF 1993

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in Forty-fourth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act 1993. **Short title.**

2. After article 16 of the Constitution, the following new article shall be inserted, namely:— **Insertion of new article 16A.**

"16A. (*1*) **The State shall provide employment and an adequate means of livelihood to every adult citizen.** Right to work.

(*2*) **An adult citizen who is unable to get employment in accordance with his qualifications and experience or is without adequate means of livelihood shall be entitled to financial relief from the State, at such rate and on such conditions as Parliament may by law provide."**

STATEMENT OF OBJECTS AND REASONS

Unemployment in our country is increasing day by day and there are about seventy million unemployed people in India. The ever increasing unemployment is generating frustration among the country's youth and other sections of the society. Unemployment is causing erosion of moral values, creating social devaluation and law and order problems.

Article 39(a) of the Constitution provides that the State shall, in particular, direct its policy towards securing that the citizens, men and women equally, have the right to an adequate means of livelihood. Article 41 of the Constitution provides that the State shall make effective provision for securing the right to work and to public assistance in case of unemployment. These provisions are not justiciable. The demand to make the right to work a fundamental right is being voiced in many quarters in the country. It is, therefore, necessary that right to work should be enshrined in the Constitution as a Fundamental Right.

Hence, this Bill.

SATYA PRAKASH MALAVIYA

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that all the citizens shall have the right to work so as to ensure them adequate means of livelihood. The Central Government and the State Governments have to take steps to provide employment to every adult citizen and financial relief to those who fail to secure employment. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. An annual recurring expenditure of rupees five hundred crores is likely to be involved. A non-recurring expenditure of rupees three hundred crores is also likely to be involved.

XI

BILL NO. LII OF 1993

A Bill to provide for the establishment of a Rural Electrification Authority to ensure uninterrupted electricity supply to farmers for their agricultural activities and for providing at least EK BATTI connection to every house and hut in rural India and for matters connected therewith.

BE it enacted by Parliament in the Forty-fourth year of the Republic of India as follows:—

Short title extent and commencement.

1. (*1*) This Act may be called the Rural Electrification Act, 1993.

(*2*) It extends to the whole of India.

(*3*) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,-

(*a*) "Authority" means the Rural Electrification Authority established under section 3;

(*b*) "prescribed" means prescribed by rules made under this Act;

(*c*) words and expressions used but not defined in this Act and defined in the Indian Electricity Act, 1910 and the Electricity (Supply) Act, 1948, shall have the meanings respectively assigned to them in those Acts. 9 of 1910. 54 of 1948.

Establishment of the Rural Electrification Authority.

3. (1) The Central Government shall establish a Rural Electrification Authority having its headquarter at Bhopal in the State of Madhya Pradesh to exercise such functions and perform such duties under this Act and in such manner as the Central Government may prescribe or direct and in particular to,—

(i) develop a sound, adequate and uniform national rural electrification policy in order to provide,—

(a) uninterrupted power supply to the farmers for irrigation and other agricultural purposes;

(b) uninterrupted power supply to the village and cottage industries and village artisans engaged in self employment in villages;

(c) at least *EK BATTI* connection of electricity in every dwelling unit of each village in the country.

(ii) invite and promote private sector in establishing power units exclusively for the use of rural sector in the country;

(iii) carry out investigations and to collect and record the data concerning the generation, distribution and utilisation of power in the rural sector and the development of power resources in the rural areas;

(iv) co-ordinate the activities of the national and State Planning agencies in relation to the control and utilisation of power resources for the rural sector.

(2) The Authority shall consist of not more than five members appointed by the Central Government of whom at least two shall be from amongst the farmers.

(3) The Central Government shall appoint one of the members to be the Chairman of the Authority.

(4) All the Members of the Authority including the Chairman shall hold office during the pleasure of the Central Government.

(5) The Authority may appoint a Secretary and such other officers and employees as it considers necessary on such terms and conditions as may be prescribed.

Funds of the Authority.

4. The Central Government shall provide, from time to time, after due appropriation made by Parliament by law, adequate funds for the rural electrification works to be undertaken by the Authority and for the administrative expenses of the Authority.

Development Fund.

5. The Authority shall have a Fund to be called the Rural Electricity Development Fund to which shall be credited all moneys received from the Central and State Governments for the purposes of rural electrification and from all other sources such as the rural consumers, private sector generating electricity for rural sector etc. and all payments by the Authority towards electrification expenditure shall be made therefrom.

Authority to establish new generating stations.

6. The Authority shall establish a new generating station in any area in which it is required by any scheme of the Authority.

Authority to provide electricity at subsidised rates to farmers.

7. The Authority may supply electricity to the farmers at subsidized rates as may be prescribed from time to time.

Ek Batti connection to be free of cost for the scheduled castes and scheduled tribes residing in rural areas.

8. It shall be the duty of the Authority to provide the *Ek Batti* connection and supply of electricity thereto free of cost to the Scheduled Caste and Scheduled Tribe families residing in rural areas of the country.

Effect of other laws.

9. Save as otherwise provided in this Act, the provisions of this Act shall be in addition to and not in derogation of the Indian Electricity Act, 1910 and the Electricity (Supply) Act, 1948. 9 of 1910. 54 of 1948.

Power to make rules.

10. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

There is an acute shortage of power in our country which is the primary cause of our backwardness because due to power shortage the industrial sector, the agricultural sector and the household cannot make progress at the desired levels resulting in ultimate backwardness. Our Power stations whether these are thermal, hydel or atomic are producing electricity much below their generating capacity whereas the demand for electricity is increasing day-by-day in all the sectors. It has been observed that while distributing the generated electricity the Electricity Boards and Undertakings give priority to the urban areas and the industrial sector thereby neglecting the rural areas particularly the agricultural sector. Very often it has been seen that the electricity meant for rural areas is diverted to the urban areas. Hue and cry is raised by the people, by the print and the electronic media if there is a load shedding for few hours in the cities but nobody bothers when the electricity is cut off to the rural areas for months together even if the crops of the hapless farmer are dying in the absence of water as he cannot run the tubewell without electricity.

Since more than 80 per cent of our population is engaged in agriculture and agriculture-related small and cottage industries it is our national duty to give uninterrupted electricity supply to the agricultural sector. It is also necessary to provide at least *Ek Batti* connection to every household including every hut in the country to remove their darkness. To achieve these objects it is proposed to establish a Rural Electrification Authority to provide electricity exclusively to the rural areas and uninterrupted electricity supply to the agricultural sector and give at least one bulb connection to every household in the villages. The Authority will also give special attention towards drought prone areas in the country.

Hence this Bill.

SURESH PACHOURI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the Rural Electrification Authority. Clause 4 provides for the funds of the Authority. Clause 6 provides for establishment of new generating stations. The Bill, if enacted and brought into operation will involve recurring expenditure of five hundred crore rupees from the Consolidated Fund of India every year.

A non-recurring expenditure of about one hundred crore rupees will also be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to the matters of details only.

The delegation of legislative power is of normal character.

XII

BILL NO. LIX OF 1993

A Bill to provide for the formulation of National Scheme by the Central Government to make available drinking water in every urban area and village throughout the country with special attention towards desert and drought prone areas and for matters connected therewith.

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the National Drinking Water Scheme Act, 1993.

(*2*) It shall come into force at once.

Definitions.

2. In this Act unless the context otherwise requires,—

(*a*) "appropriate Government" means in the case of a State the Government of that State and in other cases the Central Government;

(*b*) "prescribed" means prescribed by rules made under this Act;

(*c*) "Scheme" means the National Drinking Water Scheme formulated under section 3.

Formulation of National Drinking Water Scheme.

3. (1) The Central Government shall frame a Scheme to be known as the "National Drinking Water Scheme" in order to make available adequate drinking water to citizens throughout the country within a time frame.

(2) The Scheme shall, among other things provide for,—

(*a*) special priority plans for such villages where there is not a single source of drinking water;

(*b*) safe drinking water facilities in such areas where the available water is saline or contains excess iron elements, fluoride or other toxic or noxious substances or is otherwise not fit for human consumption;

(*c*) installation of adequate number of handpumps and digging of covered wells in such areas where people use pond water for their drinking, cooking and washing purposes;

(*d*) special plans for making available drinking water throughout the year in areas which are drought prone particularly in the States of Bihar, Madhya Pradesh, Orissa and Andhra Pradesh.

(*e*) utilising river waters for drinking purposes; and

(*f*) such other plans as may be formulated from time to time.

Appropriate Government to administer the Scheme.

4. (1) The Scheme shall be administered by the appropriate Government.

(2) The Central Government shall provide necessary funds for the administration of the Scheme by due appropriation made by Parliament by law in this behalf from time to time.

Power to make rules.

5. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Water is a necessity for all the living things in this universe. Without it Life is no more. We require potable water for our consumption but unfortunately potable water is scarce in most parts of our country despite the fact that nature has gifted us water in abundance in the form of rivers, ponds, seas and underground water reserves. Even the National Capital Territory of Delhi consistently faces acute shortage of drinking water what to talk of far flung rural areas of the country which are generally neglected at the national level while formulating the national priorities. There are thousands of villages in the country where there is not a single source of drinking water. Women in such areas have to travel miles away wasting many hours to bring one or two pitchers of drinking water to quench their thirst. Sometimes even this small quantity of water is not easily available.

Then there are some areas where the available water is saline in taste, or contains excess iron elements or fluoride or toxic or noxious substances. In Madhya Pradesh there is a river which is known as "*Khooni Nadi*" in the tribal areas because the water is red in colour because of excessive iron elements in the water. But people are forced to consume that water as there is no other source of water in the area. Similarly crores of people in almost all the States particularly in Madhya Pradesh, Bihar, Orissa, and other parts of the country are forced to consume stagnated pond water infested with dangerous virus and worms which results in various ailments to the people and many of them die prematurely. On the other hand the river water is going waste in the sea. This is due to the wrong policies adopted by the authorities that the drinking water problem continues to persist.

Drinking water is a State subject under the Seventh Schedule to the Constitution but due to the scarcity of funds most of the States have not succeeded in providing potable water to their citizens. It is, therefore, necessary that Central Government must come forward in providing adequate potable water to the citizens which is a necessity for every one. It is, therefore, proposed in this Bill that the Central Government should frame a National Drinking Water Scheme to provide drinking water in every nook and corner of the country and also administer the Scheme. The Union Government has to start the Scheme in a big way to provide drinking water throughout the country with special attention towards areas where there is not a single source of water or drought prone areas of the country or such areas where safe drinking water is not available.

Hence this Bill.

SURESH PACHOURI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall frame a National Drinking Water Scheme to provide potable water throughout the country. The Bill, if enacted and brought into operation will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees One Thousand Crores per annum will be involved as recurring expenditure.

A sum of rupees Ten Crores is also likely to be involved as non recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

XIII

BILL NO. LXV OF 1993

A Bill to amend the Motor Vehicles Act, 1988.

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Motor Vehicles (Amendment) Act, 1993.

(*2*) It shall come into force at once.

Amendment of section 7.

59 of 1988.

2. In section 7 of the Motor Vehicles Act, 1988 (hereinafter referred to as the principal Act), in sub-section (*1*),—

(*a*) in clause (*a*) after the words "goods vehicle" the words "and has actually driven such vehicles in public places during such period" shall be inserted.

(*b*) in clause (*b*) after the words "motor vehicle" the words "and has actually driven such vehicle in public places during such periods" shall be inserted.

Amendment of section 8.

3. In section 8 of the principal Act, for sub-section (*3*) the following sub-section shall be substituted, namely:—

(*3*) Every application under sub-section (*1*) shall be accompanied by a medical certificate in such form as may be prescribed by the Central Government and signed by a medico doctor of a Government hospital or dispensary or health centre or by a medico doctor who is appointed by the State Government or the Licensing authority, as the case may be, exclusively for this purpose.

Amendment of section 9.

4. In section 9 of the principal Act, to sub-section (*3*) the following third proviso shall be added, namely:—

"Provided also that the test shall be conducted in such a way that the applicant is not harassed by the authority conducting the test and in particular the applicant shall not be asked to make a figure of "8" while driving the vehicle for test or any such other impracticable signs by such authority".

Amendment of section 17.

5. In section 17 of the principal Act, in sub-section (*2*) for the words "the prescribed authority" the words "the prescribed independent appellate authority which shall not be connected with the office of the licensing authority directly or indirectly" shall be substituted.

Omission of section 59.

6. Section 59 of the principal Act shall be omitted.

Insertion of new section 91A.

7. After section 91 of the principal Act the following section shall be inserted, namely:—

Periodical medical examination.

"91A. Every person driving a transport vehicle shall undergo periodical medical examination particularly eyes test and AIDS test at such place and in such manner as may be prescribed."

Amendment of section 130.

8. In section 130 of the principal Act, in sub-section (*1*) after the words "police officer" the words "not below the rank of sub-inspector" shall be inserted.

Amendment of section 132.

9. In section 132 of the principal Act, to clause (*a*) of sub-section (*1*) the following proviso shall be added, namely:—

"Provided that a police officer in uniform shall not be below the rank of sub-inspector and he shall record the reasons in writing for stopping the motor vehicle and also record the time for which such a motor vehicle remained stationary."

Insertion of new section 182A and 182B.

10. After section 182 of the principal Act the following sections shall be inserted, namely:—

"182A. Whoever acts as an agent or middlemen for procuring a licence for any person intending to obtain a driving licence under section 8 or section 9 from a licensing authority shall be guilty of an offence under this Act and shall be punishable with imprisonment which may extend to five years or with fine which may extend to ten thousand rupees or with both. Punishment for acting as an agent or middleman for procuring licenses.

182B. If any medico doctor authorised to issue medical certificate under this Act for obtaining a driving licence from a licensing authority issues a wrong medical certificate by ignoring the physical deficiencies including the eyes to any person applying for a licence under section 8 or section 9 to the licensing authority he shall be punishable with imprisonment which may extend to two years or with fine which may extend to twenty five thousand rupees or with both." Punishment for giving wrong medical certificates.

11. In section 213 of the principal Act, after sub-section (6) the following sub-section shall be inserted, namely:— Amendment of section 213.

"(7) Any officer who is found to have connived with any agent or middleman in the discharge of his functions conferred upon him by this Act shall be dismissed from service forthwith."

STATEMENT OF OBJECTS AND REASONS

The Motor Vehicles Act, 1988 was enacted to replace the Motor Vehicles Act, 1939 after removing the shortcomings in that Act. However, there are still some lacunae in the present Act which need to be rectified. There is rampant corruption in the Transport Authorities in issuing driving licences, permits and even in the registration of vehicles and the print media all over the country have often highlighted this aspect. Take the case of driving Licences. Any licence can be obtained at premium. Even a person having one eye or having colour blindness is issued a driving licence that too of a heavy transport vehicle. In order to fleece that applicants for driving licences the test is conducted in most impractical manner. For instance for a two wheeler licence the applicant is asked to make a figure of "8" at a small place which is normally not possible without touching the ground with one's foot but if one goes after paying the premium to a middleman either no test is conducted or such a person passes the test even if he does not know to change the gear of the vehicle. Similarly it is necessary to append a medical certificate with every application for driving licence. So there are number of private Medico Doctors at every Transport Authority who issue medical certificate without examining the applicants. Recently in the National Capital a blind man was declared medically fit by such a doctor and he was given a driving licence by the Authority through a tout. So it is necessary that the Doctors should be appointed by the Government to remove the competition amongst the Private Doctors doing their business at the Authorities. Similarly for issuing driving licences for heavy vehicle practical experience should be necessary and the test should be rigid. For appeals it is necessary to provide an independent agency.

It has also been reported by the print media that the Truck Drivers are particularly responsible for the spread of dreaded disease AIDS. Therefore, it is necessary that periodical medical check up is made compulsory for the Drivers to detect HIV cases among them and also to check their eyes from time to time. It is also a known fact that vehicles are stopped by Police deliberately at various places to extort money. It leads to corruption and wastage of fuel in a big way. It can be checked if it is made compulsory to record the stoppage in writing by the Police Officer. The punishment clauses need to be changed so that the Motor Vehicles Act becomes more effective and practicable.

Hence this Bill.

SURESH PACHOURI.

XIV

BILL No. LVIII OF 1993

A Bill to protect the property rights of women and girls and for matters connected therewith.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Women and Girls (Property Rights) Act, 1993. Short title, extent and commencement.

(*2*) It extends to the whole of India.

(*3*) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires,— Definitions.

(a) "appropriate Government" means the Central or the State Government under whose employment the deceased husband of the widow was, at the time of his death;

(*b*) "girl" means an unmarried woman;

(c) "property" means movable and immovable property and includes all rights pertaining to property by way of lease, licence, inheritance etc.;

(*d*) "prescribed" means prescribed by rules made under this Act.

Rights of a girl.

3. A girl shall have the following rights namely:—

(*a*) she shall have the right to live in the house of her parents, in relation to the dwelling unit of the parents, but shall have no right to partition or disposal thereof;

(*b*) she shall have an equal right in any property other than the residential house or dwelling unit referred to in sub-section (*a*) as a coparcener to such property, whether self acquired, joint-family property, or premises held on lease or licensed under any other arrangement by the parents and shall have the right to claim partition thereof, if she decides to remain unmarried after attaining the marriageable age, under any law for the time being in force;

(c) she shall have an equal right with other coparceners in the gains of the family business of her parents; and

(*d*) she shall have a right to any property as a coparcener in the family, which is acquired by way of exchange or sale or transfer by any other party to the family and to any property acquired by her parents or family members by way of accretion to a family property or by succession or otherwise.

Rights of a married woman.

4. A married woman shall, in addition to the rights for the enjoyment of her wages and earnings etc. as provided in the Married Women's Property Act, 1874 have the following rights by virtue of her marriage, in the property of her husband namely:— 3 of 1874.

(*a*) she shall have the right to live in the house of her husband whether owned or occupied by him, as a member of the family or joint-family, or as lessee or licensee, solely or jointly, like any other member of the family of her husband provided that such right shall not terminate in the event of judicial separation, divorce or death of the husband;

(*b*) she shall have the right to live in the residential house of her parents as referred to in sub-section (*a*) of section 3 in case she is deserted or divorced by her husband but shall have no right to claim partition or disposal of the whole or any part thereof;

(c) she shall have an equal share as a coparcener in the property of her husband, including the joint family property of the husband, from the date of marriage and like any other coparcener shall also have a right to claim partition in respect thereof and for disposal of a part or the whole of such share;

Provided that in the event of disposal of such share or part thereof, the other coparceners shall have a right of pre-emption;

(*d*) she shall have the first option to have the custody of the children as a guardian; and to claim maintenance under the law both for herself and the children from her husband, which shall include

the expenses to be incurred on the education and training and up-bringing of the children consistent with the status of the family of the husband:

Provided that if in the interest of the education, training or up-bringing of the children, it is considered necessary or expedient to leave the children under the guardianship of the husband or any one else, she shall have free excess to children born to her, irrespective of estrangement, desertion or divorce or death of the husband;

(*e*) she shall have the right to a share in the gains of the business of her husband, or in the business of the family, or in any other business in which her husband is a partner.

Rights of a widow.

5. A widow shall have the following rights, namely:—

(*a*) in case the husband dies in harness, she shall be entitled to suitable employment subject to eligibility, as may be prescribed, in a Government department or public or private enterprise, as the case may be, in which her deceased husband was employed at the time of his death:

Provided that if she is not eligible for any such employment, she shall be entitled to full pension at the same rate as her deceased husband would have been entitled had he been alive;

Provided further that if the death of the husband occurs while on performance of duty, attributable to the vagaries of the job, she shall be entitled to full pensionary benefits till the superannuation date of the husband had he been alive;

(*b*) she shall have the first claim and absolute right to the property of her deceased husband; and

(*c*) she shall be entitled to participate in the family business of the deceased husband on the same footing as her husband would have been.

Power to make rules.

6. The Central Government shall, by notification in the Official Gazette, make rules for carrying out the purposes of this Act and shall cause them to be laid before the legislature.

Overriding effect of the Act and rules.

7. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, but save as aforesaid, the provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

STATEMENT OF OBJECTS AND REASONS

In India, with a male-dominated society, women constitute the most exploited and weaker section of the community. In the patriarchal set up as it is in India, women have traditionally little, rather negligible by way of property rights. They have so to say no status of their own. In their childhood they are wholly dependent on their parents or guardians, in their married life they depend on the sweet will, nay whims and fancies of their husbands in their widowhood they are just destitutes.

Even after 45 years of independence, their status is practically no better than minorities, the tribals and rural masses.

The present legislation seeks to codify and confer specific property rights on women at various stages of their lives, namely childhood, unmarried and married life and desertion or destitution so as to accord them a status and confer on them rights equal to their male counterparts, in true spirits of the "Right to equality before the law" as enshrined in the Constitution of India.

VEENA VERMA

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Act. Since the matter will relate to details only the delegation of Legislative powers is of normal character.

V. S. RAMA DEVI,
Secretary-General.

PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI
AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 1994.